

Legitimate Monarchy.

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by nearly two hundred years in distinguishing between sovereignty and government. The sovereignty is permanent and unconditioned; the government temporary, variable. He is the father of the modern doctrine of the omnipotence of the State, but he unfortunately tended to identify this omnipotence with that of an absolute king.

Logically it may be so, but practically the development of modern constitutional States has shown not only that a mixed form of sovereignty, vested in king, lords, and commons, is possible, but that it may work very well. Bodin's is a philosophic, rather than an actual, State.

Proceeding to consider each of these forms separately, monarchies, he finds, may be of various kinds—royal or legitimate, seigneurial, and tyrannic—and he gives the preference to the first. Royal or legitimate monarchy is "that in which, the subjects obey the laws of the monarch, and the monarch the laws of nature, and in which the subjects enjoy their natural liberties and the rights of property." It is a monarchy unlimited by the laws of the State, and yet limited by the natural rights of man. It is the monarchy by human, not by divine, right; for Bodin, like Machiavelli, is no theological dogmatist in politics. The king is independent of the laws, yet he is bound to observe them by the law of God and the law of nature. The monarchy is unlimited, but it must be legitimate. The monarch is not the universal proprietor. He must respect property, for it is not to be assumed that the sovereignty has been conferred for the purpose of despoiling the subject. The laws cannot, however, compel him to do so if he is otherwise minded, and there is no guarantee of property unless the subject may defend it on the ground of natural right. Bodin's legitimate king is, however, invested with every virtue that a good ruler should exemplify. "The law of the prince is necessarily made on the model of the law of God. It is the true feature of a royal monarchy that the prince render himself as clement and as amenable to the laws of nature as he desires his subjects to be obedient to him. He does so when he fears God, when he shows pity to the afflicted, and is prudent in his enterprises, bold in what he undertakes, modest in prosperity, content in adversity, true to his word, wise in his council, careful of his subjects, ready to